



**Department of  
Primary Industries**  
Office of Water



Contact: Vanessa Sultmann  
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Email: Vanessa.Sultmann@water.nsw.gov.au  
Our ref: 30 ERM2010/0771  
Our file: 9053875-1  
Your ref: T6-14-122

The General Manager  
Kempsey Shire Council  
PO Box 3078  
West Kempsey NSW 2440

**Attention: Ilija Susnja**

20 May 2014

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**  
**Dev Ref: T6-14-122**  
**Description of proposed activity: Sand Extraction**  
**Site location: Lot 323 & Lot 1324 Tea Tree Lane, Belmore River via Kempsey**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property.

The application indicates that groundwater monitoring piezometers are to be installed. If the piezometers will extract less than 1ML per year they will require a licence under Part 5 of the Water Act 1912 prior to their installation unless they meet the definition of an "exempt monitoring bore" under the Water Management (General) Regulation 2011. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a licence for monitoring bores.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

Room 2, 135 Murwillumbah Street MURWILLUMBAH 2484 : PO Box 796 MURWILLUMBAH NSW 2484  
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170912

- The Office of Water requests notification of any legal challenge to the consent.

**The attached GTA are not the licence.** The applicant must apply (to the Office of Water) for a licence **after consent** has been issued by Council **and before** the commencement of installation of monitoring bores (unless not required as described above).

Finalisation of a licence can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction).

Application forms for licences are available from the undersigned or from the Office of Water's website:

<http://www.water.nsw.gov.au/Water-licensing/Applications/default.aspx>

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Patrick Pahlow', written over the 'Yours Sincerely' text.

Patrick Pahlow  
Senior Water Regulation Officer  
Office of Water - Water Regulation, North/North Coast

# General Terms of Approval

for work requiring a licence (monitoring bores)  
under Part 5 of the Water Act 1912

30 ERM2010/0771

File No: 9053875

Lot 323 & Lot 1324 Tea Tree Lane, Belmore River via Kempsey

T6-14-122

Kempsey Shire Council

## Condition

1. The licence shall lapse if the work is not commenced and completed within three years of the date of the issue of the licence.
2. The licensee shall within two months of completion or after the issue of the license if the work is existing, furnish to NSW office of water:-
  - (a) details of the work set out in the attached form "A" (must be completed by a driller).
  - (b) a plan showing accurately the location of the work, in relation to portion and property boundaries.
  - (c) a one litre water sample for all licences other than those for stock, domestic, test bores and farming purposes.
  - (d) details of any water analysis and/or pumping tests.
3. The licensee shall allow NSW Office of Water or any person authorised by it, full and free access to the works, either during or after construction, for the purpose of carrying out inspection or test of the works and its fittings and shall carry out any work or alterations deemed necessary by the Department for the protection and proper maintenance of the works, or the control of the water extracted and for the protection of the quality and the prevention from pollution or contamination of sub-surface water.
4. If a work is abandoned at any time the licensee shall notify NSW Office of Water that the work has been abandoned and seal off the aquifer by:-
  - (a) backfilling the work to ground level with clay or cement after withdrawing the casing (lining); or
  - (b) such methods as agreed to or directed by NSW Office of Water.
5. If the bore authorised by this license is lined with steel or plastic casing the inside diameter of that casing shall not exceed 220 mm.
6. Water shall not be pumped from the bore authorised by this license for any purpose other than groundwater investigation.

END OF CONDITIONS

[www.water.nsw.gov.au](http://www.water.nsw.gov.au)

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